



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,087	09/21/2000	Kazunori Ukiwaga	59684-011	8898
7590	12/23/2003		EXAMINER	
Mcdermott Will & Emery 600 13th Street NW Washington, DC 20005-3096			EL CHANTI, HUSSEIN A	
			ART UNIT	PAPER NUMBER S
			2157	
			DATE MAILED: 12/23/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/666,087	UKIGAWA ET AL.	
	Examiner	Art Unit	
	Hussein A El-chanti	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 September 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) _____ is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

1. This action is responsive to application filed on Sep. 22, 2000. Claims 1-20 are pending examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "it" in the 13th line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 8-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Robertson, U.S. Patent No. 6,609,106.

As to claim 1, Robertson teaches a network system which comprises a server and a plurality of terminals connected to said server via a network and is to provide

Art Unit: 2157

predetermined service to said terminals via said network from said server (Fig. 1 shows a server with a service provider connected to a user terminal through a network), wherein said server comprises:

request receiving means transmitted by terminals (see col. 9 lines 55-col. 10 lines 16);

information transmitting means (see col. 10 lines 17-30 and 45-49);

incentive offering means for offering predetermined incentive to at least some of said terminals (see col. 13 lines 23-33);

requests count means for counting transmitted requests (see col. 13 lines 5-20);

incentive modifying means for modifying contents of the incentive offered according to the number of said terminals (see col. 13 lines 5-20);

each of said terminals comprises:

request transmission means for transmitting a request to said server for providing the service via said network (see col. 12 lines 26-34); and

information receiving means for receiving information corresponding to service to be provided (see col. 12 lines 62-65 and col. 13 lines 61-67).

As to claim 2, Robertson teaches the system of claim 1 wherein said server further comprises promotional information transmitting means for transmitting information for promoting requests for the service together with information representing contents of the incentive to be offered to predetermined terminals of said plural terminals via said network (see col. 21 lines 16-30).

As to claim 3, Robertson teaches a network system which comprises a server and a plurality of terminals connected to said server (Fig. 1 shows a server with a service provider connected to a user terminal through a network), wherein said server comprises:

a memory for storing a program, a processor for executing said program, and a first communication device for transmitting/receiving information to/from said terminals (see claim 16);

receive a request transmitted by terminals (see col. 9 lines 55-col. 10 lines 16);

counts the number of said terminals which transmitted the request (see col. 13 lines 5-20);

transmit information to the terminals (see col. 10 lines 17-30 and 45-49);

incentive offering means for offering predetermined incentive to at least some of said terminals (see col. 13 lines 23-33);

modifies contents of the incentive offered according to the number of said terminals and transmit information to said terminals(see col. 13 lines 5-20);

each of said terminals comprises:

a memory for storing a program, a processor for executing said program, an output device for outputting information and a second communication device for transmitting/receiving information to/from said server (see col. 15 lines 19-30).

request server to provide the service (see col. 12 lines 26-34); and

receives information transmitted by said server (see col. 12 lines 62-65 and col. 13 lines 61-67).

outputs the received information through output device.

As to claim 8, Robertson teaches a server being connected to a plurality of terminals (Fig. 1 shows a server with a service provider connected to a user terminal through a network), comprising:

incentive offering means for offering predetermined incentive to at least some of said terminals (see col. 13 lines 23-33);

requests count means for counting transmitted requests (see col. 13 lines 5-20);

incentive modifying means for modifying contents of the incentive offered according to the number of said terminals (see col. 13 lines 5-20);

As to claim 9, Robertson teaches the server of claim 8 wherein said means that counts the number of terminals which did not request the service as the number of the terminal requesting the service (see col. 13 lines 5-20).

As to claim 10, Robertson teaches the server of claim 8 wherein said incentive means modifies the content of the incentive when the number of terminals counted reaches predetermined number (see col. 13 lines 5-20).

As to claim 11, Robertson teaches the server of claim 10 further comprising visible information transmitting means for transmitting information which visibly shows the relationship between the number of terminals when the said incentive modifying means modifies the contents of the incentive and the number of terminals counted by

said request count means to the terminals which have requested the service via the network (see col. 13 lines 5-20).

As to claim 12, Robertson teaches the server of claim 8 comprising promotional information transmitting means for transmitting information to predetermined terminals through said network (see col. 10 lines 17-30 and 45-49).

As to claim 13, Robertson teaches the server of claim 12 wherein said promotional information transmitting means comprises address information storage means which stores address information of terminals and transmits information for promoting service request in accordance with the address information stored in said address information storage means (see col. 24 lines 34-47).

As to claim 14, Robertson teaches the sever of claim 13 wherein said information storage means stores the address information with dividing it into groups in accordance with predetermined standards, and

 said promotional information transmission means transmits information for promoting service request in accordance with the address information belonging to any one of the groups corresponding to the contents of the incentive to be offered by said incentive offering means (see col. 10 lines 56-col. 11 lines 3 and col. 24 lines 34-47).

As to claim 15, Robertson teaches the server of claim 12 wherein said promotional information transmitting means comprises address information receiving means which receives address information of other terminals transmitted by the terminal which has requested the service via said network and transmits the information for

providing service request in accordance with the address information received by said address information receiving means (see col. 24 lines 34-47).

4. Claims 4-7, 16-20 do not teach or define any additional limitation over claims 1-3 and 8-15 and therefore are rejected for similar reasons.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703)746-9679.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Hussein El-chanti

Dec. 2, 2003



ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100